

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 04-10064-RGS
)	
ROBERT P. BARRY)	

**MOTION TO CONTINUE SENTENCING AND
RESPONSE TO PRESENTENCE REPORT**

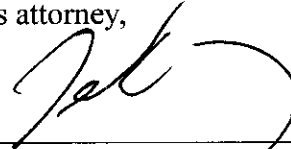
The Defendant, Robert Barry, respectfully request a continuance of the sentencing hearing scheduled for September 9, 2004 at 2:30pm as well as the August 19 date for objections to his presentence report. In support of this motion counsel states as follows:

1. Counsel on this same day has entered his appearance in this matter and request a continuance to allow him to review the presentence report with Mr. Barry as well as prepare for sentencing.

Mr. Barry's present counsel, Frank Fernandez, has been made aware of this request as well as United States Probation Officer Jo Lyness. Neither have any objection to this request. Assistant United States Attorney Antoinette Leoney could not be reached regarding her position prior to this request. If a continuance were granted defense counsel would request at least a 30 day period. Counsel respectfully makes the Court aware he is scheduled for trial in other matters on October 7th through 8th, 21st through 22nd and the 25th through 26th.

Dated: August 18, 2004

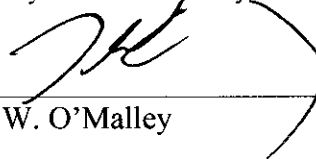
Respectfully submitted,
Robert Barry,
By his attorney,



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CERTIFICATE OF SERVICE

I, Daniel W. O'Malley, hereby certify that on this 18th day of August, 2004, I served the foregoing Motion to Continue via hand delivery, to United States Attorney Antoinette Leoney and United States Probation Officer Jo Lyness.



Daniel W. O'Malley